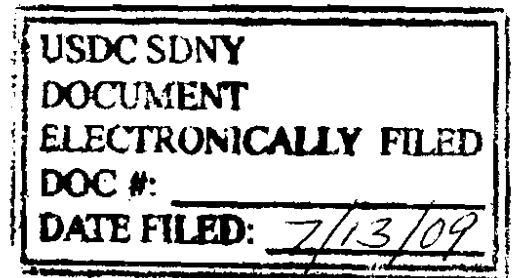


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LANARD TOYS LTD.,)

Plaintiff,)

v.)

DOLLAR GENERAL CORPORATION,)
DOLGENCORP, INC. and BETTERWAY)
INDUSTRIAL COMPANY,)

Defendants.)
-----X

MEMO ENDORSED

Motion closed.

Civil Action No. 07 Civ. 1981 (MGC)

**PLAINTIFF'S NOTICE OF MOTION AND MOTION *IN LIMINE* (I) BARRING
DEFENDANTS FROM ATTACKING LANARD'S OWNERSHIP AND
VALIDITY OF ITS COPYRIGHTS, TRADEMARKS AND TRADE DRESS, AND
(II) TO EXCLUDE EVIDENCE OF THIRD PARTY USES OF FUNSPLASHER
OR VARIANTS AND/OR THIRD PARTY DESIGNS OF ALLEGEDLY SIMILAR
TO PLAINTIFF'S COPYRIGHTED WORKS AND TRADE DRESS**

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. Rule 37 and
Fed. R. Evid. 103 (c), 104, 402 and 403, and based on its Memorandum in Support of
Plaintiff's Motion in Limine (I) Barring Defendants From Attacking Lanard's Ownership
and Validity of Its Copyrights, Trademarks and Trade Dress, and (II) To Exclude
Evidence Of Third Party Uses Of FUNSPLASHER or Variants and/or Third Party
Designs Allegedly Similar To Plaintiff's Copyrighted Works and Trade Dress, and

Declaration of Paul J. Reilly in support thereof, and upon prior pleadings herein and such

*Statements made at settlement conferences are not
admissible at trial.*
NY02:658328.1 *Motion denied. So ordered.* S/
July 6, 2009

United States District Judge